

JURISDICTION:
General Reference:

NEW HAMPSHIRE
New Hampshire Revised Statutes Annotated

Required Use of Safety Belts¹:

Requirements:

I. When operating a motor vehicle, a person <18 years old must wear a safety belt. §265:107-a, I-a
II. No person shall transport a person ≥4 but <18 years old in a motor vehicle unless such person is secured in a seat or safety belt. §265:107-a, I

Sanctions for Failure to Use or
Require the Use of Safety Belts:

Violation: 1st offense-A fine of **\$25** Subsequent offense-A fine of **\$50** §§265:107-a, III Note: The law does not appear to assign points for a violation of these requirements.²

Effect on Civil Liability:

A violation of these requirements shall not be used as evidence of contributory negligence in any civil action.³ §265:107-a, IV

Required Use of Child Safety Restraint Systems¹:

Requirements:

No person shall transport a person <4 years old in a motor vehicle unless such child is secured in a Federally approved child passenger restraint. §265:107-a, I

Sanctions for Failure to Require
the Use of Child Restraint Systems:

Violation: 1st offense-A fine of **\$25** Subsequent offense-A fine of **\$50** §§265:107-a, III Note: The law does not appear to assign points for a violation of this requirement.²

Effect on Civil Liability:

A violation of this requirement shall not be used as evidence of contributory negligence in any civil action. §265:107-a, IV

Required Use of Motorcycle Protective Headgear:

Requirements:

I. A person <18 years, who operates or rides on a motorcycle must wear State approved protective headgear.⁴ §265:122, I & II

Required Use of Motorcycle Protective Headgear:

Requirements: (continued)

II. An operator cannot transport a passenger <18 years old on a motorcycle unless such passenger is wearing protective headgear. §265:122, IV

Sanctions for Failure to Use:

Violation: A fine of not more than **\$1,000** §§251:2, IV(a); 265:2; and, 265:122, IV Note: The law does not appear to assign points for a violation

¹**Exemptions.** These requirements do not apply in the following circumstances: To persons who are being transported (1) in a vehicle used to transport passengers for hire, (2) in a school bus weighing >10,000 lbs, (3) in a school bus weighing <10,000 lbs. which was manufactured without safety belts, (4) in a vehicle manufactured before 1968, (5) on a motorcycle, (6) in an antique motor car or (7) in a vehicle that is being operated in an authorized parade and that is traveling at a speed ≤10 MPH. §265:107-a, II

²A driver <20 years old may have their driving privileges suspended or revoked for "misconduct, misuse or abuse of such privileges." §263:14, III However, such action does not apply to a person <18 years old who violates §265:107, I-a (i.e., who fails to wear a safety belt while operating a motor vehicle) for the first time. §263:14, IV

³In *Thibeault v. Campbell*, 622 A.2d 212 (N.H. 1993), the State supreme court held that "a party's failure to use a seat belt is inadmissible to show negligence where the nonuse may have contributed to the party's injuries but was not a cause of the collision itself." 622 A.2d at 214

⁴This requirement may have been affected by changes to Federal highway safety funding criteria. §265:122, III

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of this requirement.²

Required Use of Motorcycle Eye Protection Device:

Requirements:

Unless a motorcycle is equipped with a windshield or screen which protects a driver's eyes, they shall wear either eyeglasses, goggles or a protective face shield when operating such a motor vehicle. §265:123

Sanctions for Failure to Use:

Violation: A fine of not more than **\$1,000**. §§265:2; 625:9, V & 651:2, IV(a) Note: The law does not appear to assign points for a violation of this requirement.²

Required Use of Bicycle Protective Headgear:

Requirements:

None

Sanctions for Failure to Use:

Required Use of Bicycle Eye Protection Device:

Requirements:

None

Sanctions for Failure to Use:

Prohibition Against Riding in Unsecured Portion of Vehicle:

Requirements:

None⁵

Sanctions for a Violation:

Exemptions:

⁵Such a prohibition could exist in certain limited circumstances since the law does prohibit a driver from carrying passengers for "consideration" (express or implied) while operating a vehicle designed to transporting goods, materials, commodities, freight or merchandise. However, exemptions exist for persons who are transporting either (1) individuals enrolled in summer camps, (2) students, teachers or employees of colleges or schools for recreational or religious purposes, (3) employees of any town, county, the State or an agency of the Federal Government, (4) employees of the owner of such a vehicle while going to or from their place of employment or (4) individuals in vehicles which have been approved to transport school children under §266:7. §§265:106 & 265:107 A person, who is found guilty of violating this prohibition, commits a statutory "violation" and is subject to a fine of not more than \$1,000. §§262:41 & 651:2, IV(a)

In addition, such a prohibition may have been indirectly established for certain children via the provisions of the Child Safety Restraint Systems law.